

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

MICHAEL HALLMARK,

Plaintiff,

v.

MIDLAND FUNDING, LLC and COHEN &
SLAMOWITZ, LLP

Defendants.

Civil No.: 1:11-CV-00842
(WMS) (LGF)

**MOTION TO JOIN CO-DEFENDANT'S
OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT**

COME NOW, Defendant, MIDLAND FUNDING, LLC d/b/a MIDLAND FUNDING OF DELAWARE, LLC ("Defendant"), by and through their undersigned counsel, and pursuant to the Federal Rules of Civil Procedure, hereby file this Motion to join the Opposition to the Plaintiff's Motion to Amend Complaint filed by co-Defendant, COHEN & SLAMOWITZ, LLP and in support thereof state as follows:

1. On or about March 9, 2012, the Plaintiff filed a Motion to Amend the Complaint to allege a class action based on statements allegedly made by Attorney Daniel Ryan on or about February 10, 2012. *See* Motion to Amend at pg. 4.

2. Defendant, COHEN & SLAMOWITZ, LLP filed an opposition to the Plaintiff's Motion to Amend on March 20, 2012 arguing: (1) the Plaintiff's Motion should be denied as the statements allegedly made by Attorney Daniel Ryan and which the Plaintiff's counsel is relying on in support of the Motion to Amend, were made during the course of settlement negotiations; and (2) the Plaintiff's Motion should be denied because his attempts to allege a class action are futile. *See* Memorandum in Support of Opposition to Motion to Amend.

3. After a review of the Opposition filed by Defendant, COHEN & SLAMOWITZ, LLP, MIDLAND FUNDING, LLC d/b/a MIDLAND FUNDING OF DELAWARE, LLC, is in agreement of the foregoing, and seek to join in COHEN & SLAMOWITZ'S Opposition, rather than filing its own motion separately, in effort to minimize the burden on this Court.

4. The Plaintiffs shall not be prejudiced by the granting of this Motion.

WHEREFORE, Defendant, MIDLAND FUNDING, LLC d/b/a MIDLAND FUNDING OF DELAWARE, LLC, respectfully requests this Honorable Court to enter an order permitting Defendant to join co-Defendant's Opposition to the Plaintiff's Motion to Amend the Complaint.

Dated: March 20, 2012
New York, New York

Respectfully submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN &
DICKER LLP

By: 

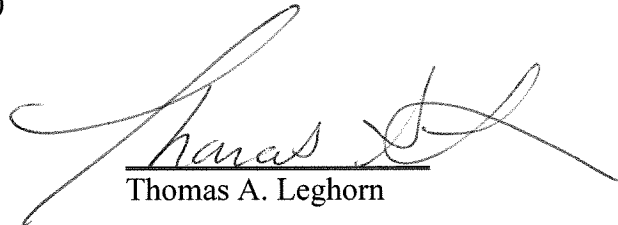
Thomas A. Leghorn, Esq.
Attorney for Defendant,
MIDLAND FUNDING, LLC
150 East 42nd Street
New York, NY 10021
File No.: 10277.00139

CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2012, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

The Law Offices of Kenneth Hiller, PLLC
Attn: Seth Andrews
6000 North Bailey Ave., Suite 1A
Amherst, NY 14226

Smith, Sovik, Kendrick & Sugnet, P.C.
Attn: Daniel R. Ryan
250 South Clinton Street, Suite 600
Syracuse, NY 13202



Thomas A. Leghorn